THE PORT FOLIO.

BY OLIVER OLDSCHOOL, ESQ.

"VARIOUS, THAT THE MIND
OF DESULTORY MAN, STUDIOUS OF CHANGE,
AND PLEAS'D WITH NOVELTY, MAY BE INDULG'D."
COWPER.

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MISCELLANY.

FOR THE PORT FOLIO.

CLIMENOLE.

A REVIEW, POLITICAL AND LITERARY.

NO. 8.

IT is no small mortification to me that so exquisite a classical scholar, as Mr. Kiddnap, in all his writings appears to be, should declare in a manner so pointed, as he does in my last extract, his disapprobation of Greek and Roman learning. My surprise on this account is not less than my chagrin. For, according to the observations I have made, it has seldom, if ever, before happened, that a man, acquainted with those kinds of literature, has been guilty of decrying them. That whole mass of sages, who, in the United States and elsewhere, have been, for these twenty years past, engaged in the great work of bringing into discredit the study of the languages and sciences of Greece and Rome, being composed entirely, as far as I have ever heard or remarked, of persons lamentably ignorant of the subjects against which they declaim. Now, as the interests of these ancients, against whom so great a prejudice has been excited, lie near my heart, and as the opportunity seems to be favourable, I hope I shall be excused if I turn aside, for a moment, from the main object of these essays, in order to get rid of a few observations, for which purpose, I doubt, if I shall ever have a fairer occasion. I do this with the less reluctance, as this privilege of digression, or of wandering from the point, is very dear to all of us, who, out of pure patriotism or compassion, submit to the thankless task of enlightening, through the medium of public prints, the benighted citizens of these states. A privilege which I take to be unalienable, and, like freedom and equality, born with us, American essayists; of which universal custom, as well as the express provisions of the constitutions of our respective states, secures to us the exercise. For melancholy, indeed, would be our lot, if we, in these free states, in executing our immortal works, were under the necessity of conforming ourselves to what are called rules of taste and laws of good writing; which, being for the most part established under monarchies and aristocracies, are not at all suited to the atmosphere of a republic. Besides, why should we be the only slaves, negroes excepted, in this happy country? For, in case so odious a necessity did exist, we, alone, of all the citizens, would be bound by rules and regulations, to which we have never given our assent, either expressly in person, or impliedly by our representatives. And this is as I have been taught, the very essence and definition of slavery. It being the great character of American liberty to be bound by no laws, but those of our own making, and to suffer as few of these, as possible, to get into operation.

Now as there are two descriptions of persons, as I perceive, engaged, with great zeal, in the work of preventing the farther growth of Greek and Latin learning among us, by discouraging its culture in our schools and colleges, and so, by degrees, rooting it out of the country, I shall submit a few observations to their consideration, separately, in the hope, that, recognizing their justice, they may be induced to relax in that rancour, with which, on all occasions, they persecute these branches of science. The first is that numerous class of happy gentlemen, who are blessed with a solid roof over their brains, and who by reason of an early ossification of the sutures of the scull, the consequence, sometimes, of neglect, and sometimes of indulgence during childhood, have been able, by the flintiness of its texture, not only to turn the edge of the wit, employed to overcome the obduracy of the place, but to resist all the attempts of the senses to throw a scientific garrison into that fortress. These gentlemen are not a little provoked, that, notwithstanding a great deal of beating of it about their heads, little, or none, of that species of learning ever found its way under the destined recipient. For which reason, they owe those sciences a grudge; and, judging of the market, by their own success in it, complain, and justly, of the great expense of time and labour, in their youth, to little or no purpose. Whereas, they imagine that, if they had been educated in the method they are now pursuing with their own offspring, they would have made as great a figure, in the present day, as those children of theirs promise to do in a future, who have already become great experimental philosophers, by laboriously watching the whirling of their tops, and are also far advanced in projectiles, by a long attention to that arduous study, the delight of the moderns,—*push-pin*. But these gentlemen have a better reason for their animosity to these sciences. For the sage instructors of former days had, as is well known, a thorough acquaintance with the principles of intellectual architecture; and according to the nature of the soil, on which they had to work, varied their means, keeping the great objects, beauty and utility, steadily in view. Whence it happened, that, after a sufficiently long trial, to build a mind in the brain, after the manner of that ingenious mechanic, the Bee, by beginning *at the top*, and fixing themselves strongly there, they were accustomed, for want of *a hold*, or from the impossibility of getting to the underside of the scull, to change their operations, and to attempt to raise the intellectual pile, by beginning *at the bottom*, and proceeding cautiously, according to the rules of ancient architecture, by a gradual and industrious *laying on of birch*. On which account all these enemies to the ancient sciences, of whom we now treat, are *very sore*, even to this day; as any man may be convinced, who will observe how ill at ease they are *on their seats*, when their notions, on these subjects, are denied, or, in any manner, controverted. Now, I beg these gentlemen to consider, that the great writers of antiquity did not, as they seem to imagine, compose those celebrated works of theirs with the malignant design of causing the fleshy parts of the human frame to be flayed off on their account; but that this evil is altogether accidental; an innovation of later ages, of which those great men are entirely guiltless, and which they would lament, could they but look out of their graves, with as much feeling, and with infinitely more taste and pathos, than any other modern sufferer. I know that these objectors have imbibed a different opinion; believing that not only Ovid, Cicero, and Xenophon, but that all the classical writers of antiquity, have left express directions, in their works, for those cruel whippings, which even now, at an advanced age, they cannot reflect upon without great pain and sorrow. This unhappy belief of theirs, as it is the result of inveterate associations, made in infancy and childhood, which, according to Mr. Hartley, can never wholly be overcome, I may find it difficult to alter. Yet I cannot refrain from assuring those gentlemen that I have gone through all the ancient classics, with the express design of ascertaining whether those abhorred scenes of childhood were under, and by virtue of, their authority; and I declare I have not discovered the slightest foundation for such an opinion. True it is that Herodotus, in his treatise concerning gardening, has a passage which some have thought countenanced the practices under consideration. For he says—"*There is, in Boætia, a certain shrub, in its nature low, stunted and groveling, which, if suffered to grow in company with its own species only, shoots up but a little way from the ground, and never produces any, except the most ugly and sour, fruits. Yet if this shrub be transplanted into the neighbourhood of certain ancient trees, which are the glory of the forest, and be placed so as that it may be refreshed from their shade, and drink of the dews, which, from time to time, drop from their proud and heaven-directed tops, it will expand and grow, becoming beautiful to the sight, and yielding fruits, very succulent and delightful. But if, as will sometimes happen, from a perversity of nature, or any languor in the sap, it is found, notwithstanding it enjoys such advantages, to droop about the head, and grow pursy about the body, these two symptoms ordinarily appearing together, then the gardeners of that country have a method of treating it, usually as effectual, as it seems extraordinary. For with a certain keen instrument, made out of the pliable branches of a birch, (for so, according to the best commentators, φυτα ought to be translated) they make an incission into the bottom and stripping up the bark, they, from time to time, according as in their judgment its improvement may require, scourge off the whole scarf or outside skin. This practice, far from injuring the shrub, as a theorist would imagine, communicates great life and vigour to it; insomuch that the largest and most flourishing trees, in that country, are those, which have been treated, when young, in a manner as one would think, at first sight, so wanton and unnatural.*"

Now, I know, that those, who defend the ancient customs of our schools, cite this passage of Herodotus, pretending that it is only an

allegory; and that by *those ancient trees of the forest*, he intended the classics of his day, and that, by *scourging off the skin from the bottom*, he would intimate his approbation of a custom, which, at that time, prevailed among the most celebrated schoolmasters of Greece. In support of this opinion of theirs, they assert that Greece was, at this period, overrun with democratic notions and principles; and that the schemes of liberty and equality, the rights of man, and the dignity of human nature, of which their state constitutions, and the harangues of their demagogues are so full, were plucking not only the sceptre from the hands of tyrants, but the rod and the ferula from the hands of the masters, and were laying prostrate all just and necessary controul. Herodotus, therefore, as they think, not daring to oppugn the popular sentiment, by openly advocating the ancient regimen of the schools, (particularly as his work was written for the people, and read publicly at the Olympic games), adopted this figurative method of expressing his opinion upon a very important subject, and of transmitting it to posterity. I confess this construction of that celebrated passage of Herodotus always appeared to me very forced and unnatural, but must now, I think, be admitted to be wholly erroneous, since a famous modern gardener, Mr. Forsyth, who cannot be suspected of writing typically, or figuratively, has recommended a treatment of trees entirely similar to that, which, as this Grecian historian relates, was customary among the gardeners of Bœotia. So that, I hope, those gentlemen, who have taken so violent a prejudice against the ancients, on account of their sufferings in child hood, will, after a due consideration of what is written above, see the falsity of their opinions, and retract them. The truth is, these sufferings are to be attributed to a system, adopted by our ancestors of the three last ages, founded upon the belief, that, in order to excite the human mind to its highest energies, punishments were altogether as necessary, and generally much more effectual, than rewards. According to their opinion, it is with the intellect, in a degree, as with an high mettled racer, who, let him be as spirited as he will, always keeps the course much more truly, and clears the ground much more rapidly, when beset both by whip and spur, than when he is only stroked by his rider, and sees the groom shaking his provender at the goal. I know that, under *maternal influence*, these opinions have become antiquated. A new sect has sprung up, who decry the cruelties of the ancient regimen, and maintain the efficacy of what is called *the cake and candy constitutions of school government*. According to this system, learning is a *trap*, to make boys enter which, they must be *baited*;—it is a *long and fatiguing road*, and so they ought to take an abundance of *cordials and comfits* to keep them from fainting on the journey; it is a *hill*, in ascending which they are very apt to *get out of breath*, and, therefore, ought always to be furnished, like Falstaff, with '*a penny worth of sugar candy to make them long winded*.' I shall not, at present, enter into an examination of these two great systems of education, which divide the learned; as I mean to set apart a number, hereafter, for the investigation of this momentous question. In the meantime, if any schoolmaster in the United States, who has laid aside the ancient method of discipline, and adopted the fashionable, palatable system, would transmit to me information, duly authenticated, concerning the *necessary outfits* of their institution, and *its results*, they would do an essential service to literature. A great diversity of opinion exists among the schoolmasters, in my neighbourhood, upon this subject. Some distributing, what, in the modern system, are called "*rewards*," in great abundance, with no perceptible effect, while others, who are strongly suspected of using, in an underhand manner, an infusion of the ancient method, produce great effects, with few, or no, expenditures of this kind.

Another class of persons, who are, as I have hinted, engaged in the great work of rooting out Greek and Latin from among us, consists of persons of lively imaginations and quick apprehensions enough, and who, for the most part, have escaped the sorrows which have soured the tempers of those mentioned above; but yet who had no sooner escaped from the walls of their college, or the hands of their private tutor, than they laid aside all attention to ancient learning, any farther than it assisted, incidentally, the professions upon which they had entered, and by which they were getting their livelihood. These gentlemen, having lost the relish, which they had acquired in their youth, for classical literature, and accustoming themselves to measure the utility of all acquisitions, by their connection with professional advancement, soon learned to regard the respect they had been taught to entertain for the literature under consideration, as the prejudice of childhood, which it was worthy of them, when men, to throw off. Now, although it may be true as these gentlemen contend that utility is the standard of rank among the sciences, yet, I beg leave to doubt, what they seem to take for granted, that *pecuniary profit* is the standard of utility. I do by no means agree, therefore, that they have established their opinion, because they may prove that neither Greek nor Roman learning ever qualify a man to make a keener bargain on the exchange, or whet up his invention to find means to *make money* in any of the learned professions. I know that the great mass of my cotemporaries, when such evidence is produced, think that all questions concerning the advantages of that learning are at an end. A *few*, however, judge more justly, and coincide with me in opinion, that, admitting their inefficacy in producing pecuniary results, the sacred relics of Greece and Rome are worthy of all the devotion, and all the study, which our ancestors paid to them, inasmuch as they contain, in their estimation, more exquisite models of excellence, juster principles of taste, nobler motives of conduct, more certain methods for intellectual advancement than are easily to be found in any of the works of the present day; not excepting those chief depositories of the learning and taste of these states, our political pamphlets and newspapers. I am very sensible that if this opinion of mine were to be decided by '*hand vote*,' in the United States, it would be carried against me by a very great majority; particularly, if, as on other great questions, the *black interest* of Virginia and her dependencies was thrown into the scale. A measure, against which, I confess, I can see no reasonable objection. Since upon every question of *science* and *morals*, from all the observations I have made, the oppressed *black gentlemen* of the ancient dominion have quite as correct views, and altogether as enlarged notions, and of consequence as good right to give their opinion, as any of those wise patriots, calling themselves their masters. The truth is, that ever since putting together watchwork, and measuring bones, and making mould-boards, have been sufficient qualifications to entitle men not only to set up for great philosophers themselves, but to be rated as such by others, the ancient routes to greatness, through labour and trial, and frequent comparison of our own works with established standards, have been thought too circuitous, and gone entirely into disrepute. A man, who, now-a-days, has the ambition to be celebrated as a great scholar or philosopher, need ask no other boon of providence than to be enabled to discover *a mammoth pit*, or to have revealed to him '*a great claw*.' By means of which he may step up boldly, and take possession of the philosopher's chair at once. But if he happen to have his scale and dividers in his pocket, and should submit to the drudgery of making a drawing and description, for the benefit of the curious, he will have ill-luck indeed, if, in consequence of these rare exertions, he be not elevated, for life, to the presidency of the American philosophical society. Since these easy paths to literary reputation and eminence have been explored, the old tracks have been neglected. Men, here, in the United States, understand making bargains better, than to buy the good graces of posterity, by the painful labours the ancients impose, when all their cotemporaries are hawking about literary immortality, at their doors, for so great a pennyworth. From all which it is very obvious how it happened that the eulogist* of Dr. Rittenhouse could find no better way to account for the *unexampled superiority* of his genius, than his ignorance of the learned languages; and that the great man, his successor in the philosopher's chair, omits no occasion to show his contempt for those ancients, by an open violation of all the rules they took the pains to establish concerning taste and propriety in style; and by taking that *short cut to immortality*, which the moderns have invented, but which, whoever follows, will, if the testimony of those ancients is admitted, be cruelly disappointed in his expectations.

In making these observations in defence of ancient literature, I have not thought it worth my while to notice the objections raised by our wise legislators at Lancaster, who, as I am credibly informed, are very violent in their animosity, ever since they have heard that the book, called Homer's Iliad, is a shilling pamphlet, published expressly against that immortal work, Paine's Common Sense; and that they have had it seriously in contemplation to pass an act of attainder against Marcus Tullius Cicero, since they have learnt that he was *a lawyer*, who had, on divers occasions, expressed himself very boldly against their favourite project of building up justices of the peace on the ruins of the bar. These false notions I must leave time to correct; for it would be going too far out of my way to collect the evidence to draw our wise representatives out of an error, into which they have fallen *very innocently*.

Having thus finished, in the manner of my cotemporaries, this elaborate and ingenious defence of ancient learning, I shall now, with great joy to myself and the public, return to the excellent work I have undertaken to review.

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FOR THE PORT FOLIO.

MR. OLDSCHOOL,

As you have sometimes spoken of the fashions in your port folio, you are the most proper person to whom I can address my complaints of the ill manners of the day.

I am one of those, of my sex, who think the charms with which nature has liberally gifted us, should not lie altogether concealed, and those fellows, who undertake to censure us for making a free display of them, are impertinent and reflect not that they also are very fond of displaying themselves and on all ocasions, in conversations, drag in, right or wrong scraps and quotations

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* 'I am disposed to believe that his extensive knowledge and splendid character *are to be ascribed chiefly to his having escaped the pernicious influence of monkish learning* upon his mind in early life.' Dr. Rush's Eulogy on Dr. Rittenhouse.

they have gleaned from Magazines, or newspapers to make us believe they are learned and well read, yet if we expose to view only naked, genuine charms they call us immodest, but they, with all their borrowed nonsense pass uncensured; hang their impertinence!

But to come to what most weighs upon my mind, not long since being on a visit to Washington, I thought I would outstrip the most fashionable of our ladies and astonish the southern members of congress, who had been mostly accustomed to view the charms of their black woman or of Indian squaws. I had scarcely made my entree into a large assembly, when a tall mammoth of a creature suddenly fixed his lecherous eyes and kept them riveted upon my bare bosom. Had two burning glasses collected the rays of the sun there I should not have felt more torment: I knew not which way to look. I first cast my eyes down upon my neck, then looked up, now on one side, then on the other. My eyes from their sudden transitions quickened their motion, till at length they began fairly to quiver and my whole body was in one universal flutter, just like a sparrow when under the charm of a rattle snake and ready to be devoured by it. I wished I had been stark naked, that the eyes that were fastened upon me, having no particular point to attract them, would wander all over my body and give me some relief. I was upon the point of sinking, when some lucky accident relieved me from such horrid looks and gave me an opportunity to recover myself. Now I wish it to be understood, and I wish you to inculcate this idea in all your future lessons upon fashion and good breeding, that our naked charms are not to be gazed or stared at by impertinent fellows, but must only be viewed by stolen glances, particularly at this early date of the fashion, when they unaccustomed to being exposed to view, feel as sensibly the staring of the men, as eyes just opened, after being long closed, feel the glare of the sun. If the men feel at any loss for a resting place for their eyes, can they not collect their wandering looks to a point on the face, a part more inured to the gazing of men.

Yours ever, I. O.

FOR THE PORT FOLIO.

ORIGINAL LETTERS

FROM DR. FRANKLIN, SILAS DEANE, ARTHUR LEE, &c.

[Continued.]

Extracts of letters from London.

October 6, 1780.

Mr. Henry Laurens was brought to town last night rather in better health. He was lodged that night in the messenger's house, in Scotland yard, and denied all sort of communication with his friends, or those who wished to speak to him. He was examined at noon at Lord George Germaine's, and committed by a warrant of justice Addington a close prisoner to the tower, orders that no person whatever speaks to him. These folks are so foolishly changeable that most likely in a few days the severity of his confinement may be relaxed. At present two men are always in the same room with him, and two soldiers without.

—

October 10, 1780.

Since my last, of the sixth, there has been no material incident relative to Mr. Henry Laurens's commitment; nor is the rigour of his confinement abated. No person whatever can speak to him but in hearing and sight of the two attendant messengers. It is said that the secretary of state's order will produce admittance to his room, but nothing else. Some of his tory relations, and a Mr. Manning, a merchant of the city, and a correspondent of Mr. Laurens have made attempts to speak to him, but did not succeed. He is wise enough to be cautious who he speaks to. It is generally thought that this rigour will be taken off in a few days, and that his friends, who are now backward for fear that any stir may be disadvantageous to him, will have admittance. Almost every person here is crying out shame upon this sort of treatment of Mr. Laurens.

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October 17, 1780.

It was not until the fourteenth instant that any person whatever was permitted to see Mr. Laurens in the tower. On that day, after repeated applications for admission, Mr. Manning and Mr. Laurens, jun. a youth of sixteen or eighteen years, who has been some years at Warrington school, were permitted to see him. An order went signed from the three secretaries of state, Hillsborough, Stormont and Germaine, to the governor of the tower, permitting the two gentlemen above to visit Mr. Laurens for half an hour. The warrant expressly intimating that their visit was to be limited to that time, and that they could not, a second time, see him, without a new order. The governor of the tower sent a note to Mr. Manning's that he had received such an order from the secretaries of state, and he, with young Laurens, went accordingly last Saturday morning. They found him very ill of a lax, much emaciated, but not low spirited, and bitterly invective against the people of England for their harsh treatment of him. He spoke very handsomely of captain Keppel, who took him, and the lieutenant who accompanied him to London; but from the period of his putting his foot on shore, he was treated with a brutality which he could not even expect from Englishmen. His weakness from sickness, and his agitation on seeing his son, took up the first ten of the thirty minutes allowed him to converse with his friends. The rest was filled with bitter invectives against the authors of his harsh treatment. His outer room is but a very mean one, not more than twelve feet square, a dark, close bed-room adjoining, both indifferently furnished, and a few books on his table; no pen and ink, or newspaper has been yet allowed him, but he has a pencil and memorandum book in which he occasionally notes things. The warden of the tower and a yeoman of the guard are constantly at his elbow, though they never attempt to stop his conversation. Mr. Manning and his child being the first visitors he has had, perhaps Mr. Laurens was led to say every thing he could of the severity of his treatment, in order that it might be known abroad, and contradict the general report of his being exceedingly well treated. He has hitherto declined any physical advice, or the visits of any of those creatures near him, who may be put in with a view to pump. Mr. Penn is making application, and will likely see him. It is doubtful if the son will again get leave. His harsh treatment being now pretty generally known, every one is crying out shame against it, and they accuse a great personage, known by the name of white eyes, as the immediate author of it.

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Passy, November 6, 1780.

DEAR SIR,

My grandfather has been, for a long time past, laid up with the gout, and is so still. He directs me to inform you, that he has received several of your letters, which he has not as yet been able to answer; he hopes, however, that in a few days he shall be able to do it, as his sufferings are much diminished.

You have heard, I suppose of the arrival at Brest of M. de Guichen.

I am, as ever, my dear sir,
Your very affectionate
Humble servant,
W. T. FRANKLIN.

M. Dumas.

—

Amsterdam, November 9, 1780.

MY DEAR SIR,

I feel myself greatly obliged to you for your kind attention in writing frequently to me, and I beg you will believe that I receive your letters with great satisfaction.

I am happy to find we are to have the pleasure of seeing you here the end of this week, and I flatter myself we shall have much agreeable conversation together, and with the other friends of freedom and lovers of mankind, now in Amsterdam.

We have letters from London so far down as the third of this month, at which time our friend Mr. L. was still under rigorous confinement, insomuch that his young son was not permitted to see him. We have, however, found means of some communications with him, by which we find his health quite restored, and that he is in very high spirits. He assures us, under his hand, that no paper of any consequence has fallen into the enemy's hands. We have reason to hope that he will, in a short time, be released, at least from his present rigorous confinement; but this, as well as all I write you respecting him, had better be kept to ourselves. I received a letter yesterday from L'Orient, by which I find a vessel had arrived there from Philadelphia, which brings accounts that general Gates was at the head of twelve thousand men, within seventy miles of Charlestown, and that his advanced parties had surprised several of the enemy's outposts, and made about one hundred prisoners. I make not the least doubt we shall have pleasing accounts from that quarter before very long.

I am delighted at the information you give me, that we may expect the pleasure of seeing M. le duc de la V. in this city. I shall make it a point, as soon as he arrives here, to pay my devoirs to him.

I pray you to believe me to be, with the most respectful compliments to your lady and to mademoiselle,

Your sincere friend and servant,
J. SEARLE.

P.S. We have no vessel here that will depart for any part of America this season, which I am very sorry for.

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Passy, November 7, 1780.

DEAR SIR,

When I wrote you yesterday that M. de Guicken was arrived, I made no doubt but that it was *certain*, especially as I had it from persons who are generally well informed. But I now find that I have been deceived, and I take the earliest opportunity of acquainting you therewith, in order to prevent your spreading a piece of intelligence which is not founded on truth.

I am, my dear sir,
With great esteem,
Your affectionate
Humble servant,
M. Dumas. *W. T. FRANKLIN.*

FOR THE PORT FOLIO.

Journal of a tour from Paris to Amsterdam, in the year 1796.

9th November, 1796. Left Paris in the morning in company with Mr. —— on a tour to Amsterdam and lodged at Compiegne 19 leagues. This pretty town which contains 5000 inhabitants had once to rejoice in a royal chateau, a pleasing

palace of Louis the 15th, which still preserves the decapitation of its last royal and wretched owner.

It is surrounded by very extensive and luxuriant meadows through which the river Oise rolls a busy tide, if we may so conclude from the number of large barges on its margin; there is also an excellent stone bridge.

10th, Breakfasted at Noyon. a large town formerly the residence of a bishop. The cathedral still exibits strong traits of gothic grandeur, although it now serves only as a military deposit of corn and forage. There is a well constructed fountain in the market place. Two markets one of provisions and vegetables, the other of flour and grain, appeared abundantly supplied.

St. Quentin is a fortified, being considered as a frontier town. It looks well as you approach it from a hill two miles distance. The principal church appeared higher than any I have ever seen. We rode close along the fosse of its western ramparts, but did not enter the town.

11th, Breakfasted at Cambray, a city much more interesting for being the residence of the amiable Fenelon, than for its formidable fortifications. The style of the houses differs, and there is enough of cleanliness to shew, that you are near leaving France.

Bouchain is a strongly fortified place, as far as numerous bastions, ditches, wall, gates, and draw bridges go. It has a garrison but I saw no cannon mounted. We first met the Scheldt at Cambrai and now here again. We arrived at Valenciennes in time for dinner and for the more interesting spectacle of viewing the effects of the seige in 1793. The works are various, numerous, and apparently impregnable. The principal attack was on the east. There are two churches and about 150 houses which exhibit the melancholy effects of bombs and bullets. They are now a general pile of ruins. The Austrian and English combined forces amounted to 70,000 men. The garrison consisted of 12,000, and when the town surrendered, they were reduced to 4,000. There were also near 3,000 inhabitants who perished in this seige of forty-three days. We here met strong beer and a sea coal fire, two singular articles in France. St. Quentin, Cambray and Bouchain are situated on high ground but this town not.

12th, Soon after leaving Valenciennes you enter Austrian Flanders or rather the conquered department of French Brabant. Arrived at two o'clock at Mons and immediately procured a guide to conduct us to the memorable spot where Dumourier, gained the battle of Jemappe. There is a hill a little to the south of Mons, on and around which was the Austrians' encampment, and about a mile and half beyond, near the village of Jemappe, lies another where the Austrians had raised several strong redoubts. These the French stormed and carried one after the other, although repeatedly repulsed with immense slaughter. There is a small village between the two hills in which much carnage was the result of the cavalry of both armies meeting. The French had full fifteen thousand killed, and the Austrians about eleven, (as the French general moved rapidly on, the peasantry of the country were at liberty to bury the dead, in doing which they filled three coal pits, the cloathing fully compensated them for their labour.) The latter hastily retreated, and Mons the next morning surrendered to the former.

This town has changed masters four times since the commencement of the present war but fortunately for its inhabitants the emperor Joseph the Second, in 1784, had taken care to have all its out works demolished;* it has therefore always since escaped the horrors of a seige by delivering its keys to that general who brought an army to demand them. The ramparts are high with beautiful rows of trees, which like all the other fortified towns I have seen, afford very pleasant promenades for the inhabitants. Mons is situated on a hill and at some distance looks well. all the buildings of importance are churches or religious houses. Here for the first time I met in the streets several capuchin friars, and some priests. But the convents are suppressed, and next Tuesday is the time for their evacuation. On the road we passed a number of crosses and two or three little chapels, where the mendicants pick up money by imposing on credulity, and taxing superstitious sensibility. The entrance to Mons on the road from Valenciennes is remarkably pleasing from the lofty trees that border the pavement for a mile. On the ramparts there are two large windmills. but no cannon, and one mill is worth a thousand guns. The honest Brabanters think that man was made to raise wheat and vegetables, and not to murder each other. There is a fair held here twice a year which lasts twenty days; they were now engaged in the fall one; we walked round about seventy or eighty very pretty temporary shops filled with a great variety of merchandize. They are erected in and round the walls of a large public building and some in a large square. The petty merchants come from Brussels, Antwerp, Valenciennes. &c.

We left Mons at eleven, being a very fine morning and arrived at Brussels at five o'clock, thirty-five miles. For about twenty miles the country has greatly the appearance of New-England, rocks and stones excepted, and that there are no enclosures, but farmhouses occasionally scattered, and churches and windmills rising in every direction.

Brussels is considered as the capital of the Austrian Pays bas. It has among other advantages that of centrality in respect to the neighbouring great towns of Louvain, Mecklin, Antwerp, Ghent, Mons, Charleroy, and Namur; it is the handsomest city of imperial Flanders and contains about 80,000 inhabitants, in has also a great number of churches, hospitals, and maisons dieu. The river Senne runs through the lower part of it and forms several islands, which, covered with houses and united by bridges, are not distinguished by a stranger until pointed out to him. This town is built on uneven ground the scite of the Park being 150 feet higher than the surface of the Senne. Here is a handsome palace where the cidevant governor general of these provinces used to reside, and a number of large houses belonging to the nobility of the country, several edifices and hotels necessary for the different bodies and tribunals of the general government. There was also a royal library, and cabinets containing a great variety of subjects of natural history as well as for experimental physics. They had also a mint and treasury, and an imperial academy of sciences and belles lettres. One for design, painting, sculpture and architecture, but they have now all perished and a dirty tri-coloured rag displays its tatters in front of all the public buildings which were governmental ones, or were the special property of any of the emperor's family, or belonged to emigrant nobles. Had the French been content with only this species of confiscation, the humiliated inhabitants would not have repined, but with deep regret they must have felt their subjugation, when they saw the waggons of their conquerors carrying off for ever, to enrich the proud capital of the republic of France, those precious paintings, sculptures and cabinets, which had so often excited the curiosity and admiration of foreigners, as well as held out preceps and stimulus to the artists of their own country.

Here is one of the most beautiful squares perhaps in Europe, it is called the park of Brussels I should rather stile it a garden in the centre of four charming strees. It is well planted with trees; the gravel walks judiciously laid out, and the busts and statues, which are numerous, suitably disposed to produce as much effect as such sort of things are capable. In front of the great avenue of the park is a noble house, in which the Council of Brabant sat. The houses which compose the four streets are not uniformly built, but sufficiently elegant, or neat, to form a pleasing coup-d'œil.

They boast of seven parishes, among which is a collegiate church. They formerly had thirteen convents, two of which were suppressed and twenty nunneries, most of which were reduced in the years 1783 and 1784 by the emperor, at the hazard of a rebellion. They also count twenty-eight public chapels, and sixty hospitals and houses for charitable purposes; and the following excellent institution is worthy the imitation of all countries, wherein charity is estimated a virtue. Each parish has a building which is called the Orphan House, where poor children of both sexes belonging to the parish are fed, cloathed, and instructed; and as they advance in age, they are set to work at different employments, and the money arising from their labour goes into the general fund of the establishment; and the principal gentlemen of each respective parish, with pleasure undertake the discharge of this truly christian and honorable administration.

The hotel de Ville, or town house, is of gothic architecture, and is said to be the most beautiful public building in Austrian Flanders. The tower is of a pyramidal form three hundred and sixty-four feet in height. The statue of St. Michael seventeen feet high is fixed on the top of this lofty steeple. This angel of the revelations, it seems, is the patron saint of Brussels and therefore you see him and his dragon perched about in different streets; and they certainly have had very extraordinary fortune not to have before this time been deposed from their airy elevated station on the hotel de Ville

The large and venerable church of St. Gudule placed on high ground, furnishes from the top of the towers a very complete view of the city. It is a collegiate, and the principal church in Brussels. The front exibits a vast and magnificent work of gothic architecture and sculpture; the interior is composed of sixteen chapels situated along the walls, each adorned with appropriate paintings and images, according to the services and sufferings of the saint to whom it is dedicated. There are no pieces that claim much attention. The French seized and sent to Paris every chef d'œuvre they could find in the palaces, or churches, but the priests took care, in time, to send off to Vienna all their crucifixes, vessels, and martyrs, that were composed of gold or silver; with these exceptions there still remains enough of the superb, with some glitter, to make this cathedral worth a few hours of the traveller's time and observation.

This country formed a part of the hereditary conquests belonging to the house of Austria, of course, the principles of the feudal system with the imperial fiefs constituted the ground-work of their tenures.

* It was a favourite theory of this prince that countries should be preserved by armies, not by fortifications. The unfortunate experience of Joseph falsified some of his theories, both of the philosophical as well as political kind.

It is for a general peace to settle the ownership and sovereignty of the country. Should it eventually remain with France, and continue one of its departments, the constitution of that republic necessarily supercedes all feudal distinctions, and annihilates every species of legal vassalage among its peasantry. The courts of law, where the local institutes, or the emperor's placards, did not interfere, were regulated in their decisions by the civil law. The general outlines of the government, are to be found in all good geographical volumes.

Mild, frank, honest, industrious, religious and illiterate (I refer to the multitude) I believe, and this opinion is founded on much observation, and some conversation, that the Flemings would generally prefer their old state of vassalage and pious subjugation, to being united as free denizens, to the infidel, aspiring and belligerant republic of France. They appear more disgusted at the suppression of the religious houses, than resentful at the taxes which their new masters exact from them, simple and local. For ages, inured to and managed by the monkery and magic of priests and friars, they cannot be brought to believe the shameful vices that naturally attach to convents, where, indolence and luxury united to seclusion and privacy, produce effects of the most detestable nature. Crimes confined within their own walls, if detected would not be punished, because the order ought not to be scandalised, lest religion should thereby be profaned!

There are twenty-five bridges and as many public fountains, but no one remarkable.* They have several markets, the fish, vegetable and flesh ones very full and very good.

(To be continued.)

ORIGINAL BIOGRAPHY.

FOR THE PORT FOLIO.

[In a general and statistical history, now preparing for the press, by an ingenious clergyman, of one of the most interesting portions of American territory, a place has been allotted to Biography. In this department is a sketch of the life of CARVER, who travelled into the western country in 1765. Nothing but an outline is yet drawn; many facts are still to be collected, and many interesting particulars may yet be gleaned, to illustrate that constitutional bent of mind, which is but another term for inflexible resolution, and ardent genius.]

SKETCH OF THE LIFE OF CAPT. CARVER, THE CELEBRATED TRAVELLER.

Captain Jonathan Carver was born at Canterbury, Connecticut, in 1729. He was a descendant of John Carver, the first governor of the colony of Plymouth, in 1620. His mother, being deserted by her husband, was reduced, with her child, to needy circumstances. The selectmen of that town made provision for the boy, and, at a proper age, indented him to a shoemaker of the name of Bradford.

With the common advantages of a district school, he made uncommon progress in reading, writing, and arithmetic. His active mind became uneasy with his confined situation. The severity of his master added new force to his predominant passion for adventure, and he quitted him before the age of twenty-one, under the youthful expectation of managing better for himself. He married, at Windham, a young woman by the name of Robins; but, not being contented to walk in the narrow circle of domestic duties, on the commencement of hostilities between France and England, in 1755, he enlisted as a private soldier, and marched with the troops to the defence of the frontiers of New-York. In 1757, he escaped the dreadful massacre at fort William-Henry, where about 1500 brave troops, under the command of general Webb, were murdered in cold blood, by the Indians in the French army, commanded by general Montcalm.

Carver, in 1758, was promoted to a lieutenancy in colonel Patridge's regiment, and the year following was, with the troops under general Wolf, at the siege and surrender of Quebeck. In 1760, he was promoted to a captain's commission. As a soldier and an officer he acquitted himself with reputation for bravery and ability.

After the peace of Versailles, in 1763, captain Carver retired from the army, but was too enterprising to be idle. Having become inured to fatigue and danger, his bold genius led him, from motives stated in the introduction and conclusion of his travels, to explore the western country, which had been, by the treaty of Versailles, ceded to Great Britain. Spending about two years with his family in Massachusetts, he set forward in 1765 on his rout to the lakes, without individual or combined patronage to defray his expenses. In the accomplishment of this noble and hazardous undertaking captain Carver has deservedly the honour of rendering a most important service to his country, in opening to its acquaintance a vast unexplored wilderness, which, in the progress of population, is destined to be inhabited by a civilized people. He was absent from his family two years and five months, and travelled about seven thousand miles.

In 1769, he took passage, with his family, for England, indulging the fond expectation of receiving the reward of his labours. But here he thought himself treated not only with neglect, but injustice. He obtained from the Board of Trade merely a compensation of the sums he had expended in his travels, on condition of delivering up the original journals. But fortunately retaining duplicates, he, after several years, procured the publication of his travels for his own benefit.

With his family in London, and disappointed of that support which he had every reason to expect from a government he had so faithfully served, at the risk of his life, in exploring the western territories, he necessarily fell into indigent circumstances.

The probable reasons why captain Carver and his travels were not more patronized, were the difficulties which then existed and were increasing between Great Britain and her colonies. It was their policy to suppress every thing that tended to give a more particular view of the power, wealth, and future prospects of this country.

With a family, and destitute of the adequate means of support, Carver found less sympathy in the wealth of London, than he would have shared among the tribes of the west.

In 1779, he acted in the low employment of a clerk in a lottery office, till worn out with fatigue, and borne down by disappointment, a putrid fever put an end to his life in the city of London, January 31, 1780, aged 51.

Captain Carver was above the common stature, of a firm muscular frame of body. His features indicated a bold, persevering mind. He was of a light florid complexion. Pure in his morals, he was free from the folly of assuming importance by profanity. In his travels, and in his curious and intelligent letter to his wife, dated September 24, 1767, he manifests a practical belief of a constant providence, which, in a most remarkable manner, had guarded over him in all his ways.

FOR THE PORT FOLIO.

Extracts from the Letters of an American traveller in Europe, written in 1800 and 1801.

[Continued.]

Berne, October 17.

MY DEAR SIR,

We left Lucerne the 15th very early, and travelled along the banks of the lake of Sempack by a very fine road. We saw on the opposite shore the village of the same name, celebrated in Helvetian history for the battle which the Swiss gave Leopold, duke of Austria, in 1386, who was killed near it, with the flower of his knights: at the further end of the lake is the small town of Sursee. We remarked in the church-yard (as we have several times done in this country) that almost every grave was decorated with a stone, wooden or metal cross, sometimes gilt in a strange, fantastic manner; before each cross was a bason of holy water, with a sprig of myrtle in it, for the friends of the departed to sprinkle it on their graves; no weed is suffered to grow upon them, and it would be thought a disgrace to the surviving relations were they to neglect keeping them clear.

We dined at Zoffingen, a small neat manufacturing town upon the Wigger; and as our horses had to stop there a couple of hours, we got no further at night than a lone house in the neighbourhood of some mills.—The place is called Morganthal. The next morning we proceeded on to this place, stopping only at the village of Hindlebanck, to see in the little parish church the celebrated tomb of Madame de Langhans, who died in child birth at the age of twenty-eight.

This monument, which does infinite credit to the taste and invention of Mr. Nahl, the sculptor, has been universally admired, and I think with reason. It is in an aisle of the church under a kind of trap-door, which on being raised exhibits the tombstone which is supposed to cover Madame de Langhans, burst in twain, in a very natural and fine manner, and she is seen raising it up with one arm, while she holds in the other her little infant, who also appears struggling to free itself from the confinement of the grave. I do not know that I ever saw a more pleasing monument; the attitudes and effect are surprisingly natural, and the beauty of the mother and her litttle innocent are well calculated to excite a lively interest in the beholder. You will see a good engraving of it in one of my port folios if you will apply to my friends in——

We entered Berne by a fine bridge of hewn free stone built over the Aar.—At the gate which terminates it our passports were demanded, but returned to us last night *visited* by the proper authorities.

From the appearance of Berne without, a stranger is surprised to find a large, beautiful, and regular city; the houses on every street supported by arcades, which afford a covered walk all over the place, and under which are all the shops. Nothing but carriages and servants washing at the fountains, are seen in the streets, and to facilitate crossing the streets in dirty weather, large flags, raised above the level of the pavement (like those in Philadelphia) are placed in the most convenient places. The houses are all built of freestone, of a delicate olive colour, and, independent of the ornament of arcades, are generally of handsome architecture. The public buildings are magnificent; particularly the hospital, which would do honour to a large capital.

The cathedral is an ancient, noble structure, uniting solidity with beauty. It is placed on a terrace of enormous height, supported by the highest stone wall I ever saw; I believe it is seventy feet. It is planted with rows of trees, and forms the principal *promenade* of the inha-

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*One is called *Manneke-pisse*. It is a statue elevated on a stone pedestal, very naturally, but very offensively discharging a stream of excellent water, which the inhabitants catch in buckets—most countries have their indecencies.

bitants. The view of the surrounding country is both extensive, and grand; perhaps it is one of the finest in Switzerland, as it commands the winding of the Aar through a rich and highly romantic country, and extends to the Alps of Grindenwald, which are among the highest and most beautiful glaciers. At the rising and setting of the sun these snow capt mountains assume a splendour which is scarcely to be imagined by a person who has never seen them, and which I candidly confess to you I never formed an idea of.

I must here, once for all, beg your indulgence for the enthusiasm with which you will perceive I am, and may be tempted to describe (perhaps too often) the grand scenes which nature delights to display in Switzerland. It may very probably be tiresome to you; but I am well convinced that any one who has ever been in this extraordinary country, and possesses the slightes taste, for its beauties, would with a kindred feeling read, and not condemn, my appareutly extravagant descriptions, and most assuredly never consider them as romantic or too exaggerated. I may also perhaps permit myself to enter into too minute details of my proceedings, by informing you of my almost hourly adventures; but in a country so singular and so interesting as this, where every mile presents something new and worthy of observation, I am really loth to omit informing you of every thing I see and do, and would rather run the risk of incurring your censure for tedious narrative, than by too concise a communication leave you ignorant of what I wish you to be acquainted with.

Berne, though it appears low from the neighbouring country which is very elevated and broken into various forms, is nevertheless situated pretty high. It is almost insulated by the Aar, which flows round three sides of it. Every thing within and without gives the idea of moderate but competent wealth, industry, and attention to public convenience; indeed this is the case throughout Switzerland, where public spirit prevailed more than in any other country. The revolution has, however, made some difference, as it has dissipated all the public and contracted by its acquisitions all the private means. Besides this, it has created a jealousy which has proved destructive to all friendly intercourse, and has absolutely destroyed the society which rendered Switzerland the favorite resort of the elegant and the literary. I am tired out with hearing the complaints of the different parties; every one appears discontented and accuses his neighbour as being concerned in bringing about the dreadful change.

October 22.

We are just returned from an excursion to the valley and glaciers of Grindenwald, which even at this late season has afforded us a pleasure of the highest kind this country affords.

The weather proving very fine on the 18th, and promising a continuance, we left Berne after dinner, accompanied only by one servant and carrying a small bundle of necessaries—a noble road enabled us to arrive in three hours at the town of Thun, situated at one end of the lake of the same name, on the banks of the Aar, just where that river issues from it. We passed the night here, and were not a little amused with the loquacity of our landlord, who was a perfect Boniface. Finding we were Americans, he came into our room, uninvited, to tell us that he knew Dr. Franklin at Paris, where he said he once cut a figure, but spending all his money he was compelled to retire to this place where he was not not known, and turn inn-keeper. He professed also to have been an intimate acquaintance of Voltaire and Rousseau, of whom he recounted many anecdotes, and he diverted us with a description of the information he gave to Coxe the traveller, who he assured us, with great pride, staid several days to converse with him respecting Switzerland.

Very early next morning we embarked in one of the flat-bottomed barques of the place, and had got half over the lake (which is five or six leagues long) before a heavy fog that had plagued us for a couple of hours was compleatly dissipated. We were then much delighted with the grandeur of the mountains which shut in this beautiful piece of water, and which at this season presented a singular spectacle; their tops being covered with snow, (a circumstance that scarcely ever happens in summer) which extended as far as the cold region, below which was verdure intermingled with forests, villages, and chateaux.

After a few hours rowing we were landed at a lone house called the *New Haus*, from whence we walked two miles to the village of Interlacken. A short distance from it, we passed through the small one of Unterseen, where are the ruins of an old castle, but which have no picturesque or romantic beauty. At Interlacken we hired a *char-a-bane*, or low cart, the seats of which were hung upon leathern springs—As we were much jolted in our journey up the rugged vallies, we preferred walking the greater part of the way; particularly as we could more leisurely admire the savage scenery of the Alps, among which we were now entering. Black pine and larch forests, impending rocks, and rapid torrents which dashed along over their stony beds, were the chief features of the wild vallies we passed through.

It was nearly dark when we came to the little hamlet of Grindenwald, where we found tolerable accommodations in the small *auberge* of the place, from the windows of which we could see nothing but bleak prospects, rendered more dreary by the approach of winter. The *chalets* or little log huts built on the plains which are found high up the mountains, and to which the herdmen drive there cattle in summer, were now quite deserted and half buried in snow. Some of these *chalets* are found at an amazing height, and have a very romantic and solitary appearance when seen from the vallies.

LAW INTELLIGENCE.

COURT OF KING'S BENCH.

LITERARY PROPERTY.

Hirre v. Dale.

Mr. Scarlet opened the pleadings. The declaration stated, that the plaintiff was the proprietor and had the copy-right of a song called 'Abraham Newland,' that he had a right to print and publish the same, and that the defendant injuriously printed a number of these songs in violation of this copy-right.

There were two counts in the declaration: it was described as a *poem*, as a *copy of verses*, and as a *song*.

Mr. Erskine stated to his Lordship and the gentlemen of the jury, that the plaintiff, in this action, was a music seller at Liverpool, and that the defendant was in the same way of business in this town. This case might be considered by many as of small importance; but that was always of importance, that was attended with benefit.

Lord Ellenborough here asked if this song was entered at Stationers' Hall, pursuant to the statute of Anne?

Mr. Erskine said it was not, and that it was not necessary in an action; it was only necessary to be entered for the purpose of penalties.

His Lordship asked, if this song was a book?

Mr. Erskine replied, that he should most clearly bring it within his Lordship's jurisdiction. The subject matter of this action was this: Mr. Dibdin, who is a man of humour and genius, composed a little poem, which afterwards, in different parts of England. was set to music; and it was a poem on the same subject, which had occupied the greatest poets in the world, in all ages. No man was better acquainted with all the learning of the ancient world than his Lordship. This subject had occupied the poets of all times—'The love of Money.' From the time of the Greeks down to the time of our own satirists, on this very topic:

O cives, cives, quærenda pecunia primum est:
Virtus post nummos.

Money, they said, produced many virtues, and a great many vices. But suppose there was a correct translation of these poets, he did not think it was probable their beauties were likely to engross the attention of the mass of mankind. Sir Joshua Reynolds, who was a great master in painting, used to say, that 'it required great taste to see that which was excellent in the fine arts.' A vulgar man would be apt to set the same value on the paintings at Vauxhall, as on those of Reubens, or of the first masters of the art. Mr. Dibdin did not address his verses so much to the learned, as to the mass of mankind. He chose for his subject the over-ruling power of money; and as Mr. Abraham Newland was the great representative of our currency, which had so long stood its ground, and which was likely so to do, it had been called after his name. The learned counsel here read part of the song:

O brave Abraham Newland,
Notify'd Abrahaham Newland;
I've heard people say,
That *sham Abraham* you may;
But you must not *sham Abraham Newland.*

This song was merely meant to repre ent the value of our paper credit, the name of Abraham Newland being subscribed to all our notes. Without entering into the merits or demerits of this poem, whether it was good or bad, it certainly had a great number of readers. It had been heard in theatres, and had been set to music, though it was not for the music, but only for the words, this action was brought.

Lord Ellenborough wished to see the 8th of Anne, relative to this subject.

Mr. Erskine observed, that some time ago this was matter of great controversy among the greatest Judges; and Lord Mansfield considered it as a common law right. That independent of the statute, there was a right vested in every person who was the author of every composition, to prevent any other person depriving him of the fruits of his ingenuity. Other Judges entertained different opinions on this subject. They held, while your bird was in your cage, it was yours; while your book was in your closet, it was your property; but the moment it was published, it was competent to others not only to read it, but to copy it. To put an end to all disputes on this subject, the Legislature, in the time of Q. Anne, gave the author a vested interest in his work for fourteen years, and, if he was living at the end of that period, for another fourteen years. There were penalties annexed to the breach of the copy right, which were not sought to be recovered by this action. But, in order to recover the penalties, Legislature required the observance of certain forms and ceremonies, as, that it should be entered at Stationers' Hall, &c.

Lord Ellenborough here observed, that the vesting clause was detached from the penal clause.

Mr. Erskine observed, that Mr. Dibdin having composed this little poem, it was set to music, and he had a witness who used to sing it on the stage at Liverpool. His learned friend

perhaps might say, if you allow a man to sing it on the stage, you have lost your copy-right. But that he denied. Nothing could make it more public than a publication, which had not that effect.

Lord Ellenborough asked if they could make this song a book; it was only one sheet, and the word in the Act was book. If Mr. Erskine put it on the common law right of the party, his lordship said he had an opinion on that point.

Mr. Erskine said, he should never desire his lordship to decide it on that ground. It had ever been decided, that a song is within the act of parliament.

Lord Ellenborough said, that score might be a print. He asked the learned counsel if they had any decision that a song was a book within the meaning of the act of parliament?

Mr. Erskine said it had been so decided.

Lord Ellenborough said, he rather doubted whether there had been any such decision. His lordship adverted to the cases of Becket, Donaldson, Miller, &c.

Mr. Erskine supposed, if he had written a poem of 2000 stanzas, or of twenty, that, he contended, gave him a copy-right to that composition, which was the work of the human mind, without regard to the length of it.

Lord Ellenborough said, the term used in the act was book, which he thought was material, considering the regulations on this subject, in the time of Charles the second. His lordship after looking at the act of parliament, thought they could hardly get on with this case. If it is to be a book, said his lordship, I shall not extend it. After having been at some pains to understand this subject, I cannot agree in the opinion of Mr. J. Yates.

Mr. Erskine said, what he contended was this, that this composition was a poem, and that the law applied to a poem, whether it was long or short. This song was only one sheet, how many pages must it consist of to constitute a book? Must it have three or four, or how many?

Lord Ellenborough said, he was quite clear in the statute, it must consist of a *plurality of sheets*.

Mr. Erskine said, if this poem had been printed in large letters, it might have been made to amount to several sheets.

Lord Ellenborough said it was very likely they might have spun it out to make it a book.

Mr. Erskine hoped his lordship would save the point.

Lord Ellenborough said, he was of opinion this was not a book. He did not know how far this might be carried. What was to be said of an handbill, or of a single advertisement? This thing is neither stitched, nor does it consist of a variety of sheets. Perhaps it might be said, a book is that which consists of a number of sheets stiched or bound. He did not say that was a perfectly correct definition of a book; but he was clear that a single sheet unstiched, was not a book within the meaning of the act; and therefore, said he, I think the plaintiff ought to be nonsuited, on this ground, that I am of opinion, that a song on a single sheet is not a book within the act of parliament.

Mr. Erskine said, his client had purchased it quite unconnected with music, and it was afterwards set to music from an idea it would be a popular song: but they did not pretend to have a copy-right in the music. Any body might sing the song as often as they pleased; but what the plantiff complained of was, that the defendant had printed the words of the song.

Lord Ellenborough said, Mr. Erskine had opened to him the whole field of literary property, and the common law right of authors, on which there had been a great difference of opinion.

Mr. Erskine said, the case was sufficiently on his lordship's notes, if he should happen to move it.

Lord Ellenborough said, that two words put upon a card, or one word, might satisfy the act of parliament, if it were to be carried to the length contended for.

Mr. Erskine said, it was unnessasary to observe, that some of the works of Mr. Abraham Newland, though very small were extremely valuable.

Plaintiff nonsuited.

MISCELLANEOUS PARAGRAPHS.

FOR THE PORT FOLIO.

When we consider the ravages committed in *commonwealths* by avarice, fraud, envy, rapine, flagrant injustice, and false friendship; when we remark that hypocrisy and baseness are so essential to the character of a *democracy*, that without them this form of government could not continue to *cheat* mankind, no not for an hour; when we see the vice of some, the madness of others, and the folly of all, engaged in this *exploded* polity, what slave so passive, what bigot so blind, what enthusiast so headlong, what politician so hardened as to stand up in defence of a system, CALCULATED FOR A CURSE TO MANKIND? No geometrical proposition, in any book of mathematical science; is more capable of the clearest proof than that a *democracy* has, from its very nature, all the weakness of Claudius Cæsar, with all his despotism, and all the dissimulation of Tiberius, without losing a particle of his malignity.

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The following is a fine specimen of the descriptive powers of Mrs. RADCLIFFE.

Wandering over the garden, Vivaldi heard the voice of Ellena herself performing the midnight hymn to the Virgin, and accompanied by a lute, which she touched with most affecting and delicate expression. He stood for a moment entranced, and scarcely daring to breathe, lest he should lose any note of that meek and holy strain, which seemed to flow from a devotion, almost saintly. Then looking round to discover the object of his admiration, a light issuing from among the bowery foliage of a clematis led him to a lattice, and shewed him Ellena. The lattice had been thrown open to admit the cool air, and he had a full view of her, and the apartment. She was rising from a small altar, when she had concluded the service; the glow of devotion was still upon her countenance, as she raised her eyes, and with a rapt earnestness, fixed them on the heavens. She still held the lute, but no longer awakened it, and seemed lost, for a moment, to every surrounding object. Her fine hair was negligently bound up in a silk net, and some tresses, that had escaped it, played on her neck and round her beautiful countenance, which now was not even partially concealed by a veil. The light drapery of her dress, her whole figure, air and attitude, were such as might have been copied for a Grecian nymph.

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When Rousseau composed his Dissertation on the Equality of men, this eloquent philosopher sought for *facts* on which to found his reasonings; these he collected from an extensive perusal of voyages and accounts of remote nations. The more I meditate, the more I am convinced that all speculations are illusory and unsatisfactory, unless they are established on prominent facts, which are to be first collected before we venture to indulge metaphysical disquistions. If we compare the labours of Machiavel with those of Montesquieu, we may observe, that the illustrious Frenchman had all the delicacy, the refinements and the sensibility of his nation, and his general reflections are therefore brilliant but often fallacious because not built on the permanent base of experience. The crafty Florentine, versed in the manners of princes, with sagacity equal to his genius, deduces all his reflections from those prominent facts, which passed under his eye, or which he collected from the records of instructive history. Lord Bacon introduced that wise philosophy which is only founded on experiments; the study of nature in her operations.

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TO THE GENIUS OF SHAKSPEARE.

When first thine eyes beheld the light,
And nature, bursting on thy sight,
Pour'd on thy beating heart a kindred day;
Genius, the fire ey'd child of Fame,
Circled thy brows with mystic flame,
And, warm with hope, pronounc'd this prophet lay:

Thee, darling boy, I give to know
Each viewless source of joy and woe,
For thee my vivid visions shall unfold;
Each form that freezes sense to stone,
Each phantom of the world unknown,
Shall flit before thine eyes, and waken thoughts untold.

The bent of purpose unavow'd;
Of hopes and fears the wildering crowd,
The incongruous train of wishes undefin'd;
Shall all be subjected to thee,
The excess of bliss and agony
Shall oft alternate seize thy high attemper'd mind.

Oft o'er the woody summer vale,
When evening breathes her balmy gale,
Oft by the wild brook's margin shalt thou rove,
When just above the western line
The clouds with richer radiance shine,
Yellowing the dark tops of the mountain grove.

TO READERS AND CORRESPONDENTS.

From a literary friend, eager in his search for the hidden treasures of Genius, and curious in his choice of them, we have the promise of several *original* letters from the pens of certain characters distinguished for their attainments in elegant literature.

The 'Characters from the Picture Gallery in Congress' are too caricature, and partake strongly of the manner of Mynheer Van *Daub*, of sign post memory.

Ever attentive to the suggestions of sensible women, we receive, with great pleasure, the advice of ******, who may be assured, that it shall be followed with all possible closeness.

Many favours from our correspondents shall be attended to, *when time and place shall serve*, as Dogberry says.

We hope to hear very often from Parmegiano and his friend.

'Sedley' has credit at our warehouse both for his talents and industry.

'An admirer of fine writing' has profited very little by his admiration.

'Censor' is too scurrilous.

'A *young* Bachelor,' if he please, may soon become a *mature* writer.

'Theatricus' never was present at a rehearsal' or took a peep behind the curtain. Independently of the talents of a few performers, we have much bad acting on the American stage, but it is no less true that we are troubled with much spurious criticism. Pope says somewhere,

Ten censure wrong for one who *acts* amiss.

ORIGINAL POETRY.

FOR THE PORT FOLIO.

Haunt not thus the eye of sleep,
Thou object of my nightly dream!
Tinge not with distress more deep
Yon baleful planet's angry gleam.

Nor when day shall rule the sky
Let thy dreaded form be seen;
Fly, thou fatal vision, fly,
Be as if thou ne'er had'st been.

And yet—thou art the form belov'd,
Ere grief obscur'd my changeful day;
Which many a glow of transport mov'd,
And prompted many a lively lay.

And still I love thee—and for thee
Affection's fondest tear is shed;
Still beats my heart's quick pulse to see
Thy image hovering round my head.

But if one hope its bloom disclose
'Tis instant nipp'd by grim despair,
Who points to nought but future woes,
And tells me I have lost my fair.

Then fly! thou form of her I love!
Since thou can'st bring me nought but pain;
Till time shall every doubt remove,
And hope and joy be in thy train.

ITHACUS.

SELECTED POETRY.

[We are very enthusiastic admirers of the genius of Mr. Wordsworth, an Oxford scholar, an original poet, and, as it appears, an amiable and humane man. He seems to have found or made a new walk in poetry, and we doubt not he will have many admiring followers. We cannot refrain from adding, that his Lyrical Ballads have reached the *third* edition in a very short period, and that a majority of critics, as well as readers of taste, have agreed that he has, like Gay, discovered the secret of exhibiting the most pleasing and the most interesting thoughts in the simplest expression.]

THE OAK AND THE BROOM.

His simple truths did Andrew glean
Beside the babbling rills;
A careful student he had been
Among the woods and hills:
One winter's night, when through the trees
The wind was thundering, on his knees
His youngest born did Andrew hold;
And while the rest, a ruddy choir,
Were seated round their blazing fire,
This tale the shepherd told.

I saw a crag, a lofty stone,
As ever tempest beat,
Out of its head an oak had grown,
A broom out of its feet.
The time was March, a cheerful noon,
The thaw-wind, with the breath of June,
Breath'd gently from the warm south-west;
When, in a voice sedate with age,
This Oak, half giant and half sage,
His neighbour thus address'd:

Eight weary weeks, thro' rock and clay,
Along this mountain's edge,
The frost hath wrought both night and day,
Wedge driving after wedge.
Look up and think above your head
What trouble surely will be bred;
Last night I heard a crash—'tis true
The splinters took another road,
I see them yonder—what a load
For such a thing as you!

You are preparing, as before,
To deck your slender shape;
And yet, just three years back, no more,
You had a strange escape!
Down from yon cliff a fragment broke,
It came, you know, with fire and smoke,
And hither did it bend its way,
This pond'rous block was caught by me,
And o'er your head, as you may see,
'Tis hanging to this day.
The thing had better been asleep,
Whatever thing it were,
Or breeze, or bird, or fleece of sheep,
That first did plant you there,
For you and your green twigs decoy
The little, witless shepherd boy,
To come and slumber in your bower;
And, trust me, on some sultry noon,
Both you and he, heaven knows how soon,
Will perish in one hour.
From me this friendly warning take,
The Broom began to dose,
And thus, to keep herself awake,
Did gently interpose:

My thanks, for your discourse, are due,
That it is true, and more than true,
I know, and I have known it long,
Frail is the bond by which we hold
Our being, be we young or old,
Wise, foolish, weak, or strong.
Disasters, do the best we can,
Will reach both great and small;
And he is oft the wisest man,
Who is not wise at all.
For me, why should I wish to roam?
This spot is my paternal home.
It is my pleasant heritage,
My father, many a happy year,
Here spread his careless blossoms, here
Attain'd a good old age.
Even such as his may be my lot:
What cause have I to haunt
My heart with terrors? Am I not,
In truth, a favour'd plant?
The spring for me a garland weaves
Of yellow flowers and verdant leaves,
And, when the frost is in the sky,
My branches are so fresh and gay,
That you might look on me, and say
This plant can never die.
The butterfly, all green and gold,
To me hath often flown,
Here in my blossoms to behold
Wings lovely as his own.
When grass is chill with rain or dew
Beneath my shade the mother ewe
Lies with her infant lamb; I see
The love they to each other make,
And the sweet joy which they partake,
It is a joy to me.

Her voice was blithe, her heart was light,
The Broom might have pursued
Her speech until the stars of night
Their journey had renew'd.
But in the branches of the Oak
Two ravens now began to croak
Their nuptial song, a gladsome air;
And to her own green bower the breeze
That instant brought two stripling bees
To feed and murmur there.

One night the wind came from the north,
And blew a furious blast,
At break of day I ventur'd forth,
And near the cliff I pass'd:
The storm had fallen upon the Oak,
And struck him with a mighty stroke,
And whirl'd and whirl'd him far away,
And in one hospitable cleft
The little, careless Broom was left
To live for many a day.

SONG.

BY COL. LOVELACE.

When Love, with unconfined wings,
Hovers within my gates,
And my divine Althea brings
To whisper at my grates;
When I lye tangled in her hair,
And fetter'd with her eye,
The birds that wanton in the air
Know no such libertye.

When flowing cups run swiftly round,
With no allaying Thames,
Our careless heads with roses crown'd,
Our hearts with loyal flames:
When thirsty griefe in wine we steepe,
When healths and draughts goe free,
Fishes, that tipple in the deepe,
Know no such libertye.

When linnet like, confined I
With shriller notes shall sing
The mercye, sweetness, majestye,
And glories of my king,
When I shall voyce aloud how good
He is, how great should be
The enlarged windes, that curle the flood,
Know no such libertye.

Stone walls do not a prison make,
Nor iron barres a cage,
Mindes innocent and quiet, take
That for an hermitage;
If I have freedom in my love,
And in my soul am free,
Angels alone, that soar above,
Enjoy such libertye.

—

[The following extravagant rhymes are copied from 'Select Ayres, printed by J. Playford, 1669.' The unknown author displays some of the beauties and perhaps more of the blemishes of Cowley.]

Tell me, ye wand'ring spirits of the air,
Did you not see a nymph more bright, more fair
Than Beauty's darling, or of looks more sweet
Than stolen Content? If such a one ye meet,
Wait on her hourly, wheresoe'er she flies,
And cry, and cry, Amyntor for her absence dies.

Go, search the vallies, pluck up every rose,
You'll find a scent, a blush of her in those;
Fish, fish for pearl or coral, there you'll see
How oriental all her colours be;
Go, call the echoes to your aid, and cry
Chloris, Chloris, for that's her name for whom I die.

But stay awhile, I have inform'd you ill,
Were she on earth, she had been with me still;
Go, fly to heaven, examine every sphere,
And try what star hath lately lighted there;
If any, brighter than the sun, you see,
Fall down, fall down, and worship it, for that is she!

—

Epigram on receiving an orange from Miss——

Now, Priam's son, thou may'st be mute,
For I can blithely boast with thee
Thou to the fairest gave the fruit,
The fairest gave the fruit to me.

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